

Ayres, Donald

From: Guevara, David [DGuevara@taftlaw.com]
Sent: Tuesday, February 05, 2013 12:06 PM
To: Gonzalez, Maria
Subject: RE: Dixon Road Site
Attachments: 2012-12-27 - Guevara to Gonzalez re_ EPA settlement agreement.PDF

Maria,

I followed up with the City's attorney, Lawrence McCormack, regarding your question concerning whether the City accepted hazardous substances for transport to the site. If you recall, this issue came up in our discussion of § V(1)(d)(iii) - see comment (2) of the attached letter.

Please advise.

Thank you.

Taft /

David L. Guevara, Ph.D. / Attorney
Taft Stettinius & Hollister LLP
One Indiana Square, Suite 3500
Indianapolis, Indiana 46204-2023
Tel: 317.713.3500 • Fax: 317.713.3699
Direct: 317.713.3453
www.taftlaw.com / DGuevara@taftlaw.com

From: Lawrence McCormack [<mailto:lmccormack@cityofkokomo.org>]
Sent: Tuesday, February 05, 2013 11:50 AM
To: Guevara, David
Subject: RE: Dixon Road Site

Dave:

To my knowledge and from the report conducted by the EPA's investigators, the site was used as a municipal dump. I can't imagine that the City would have accepted hazardous substances at the municipal dump. However I don't have sufficient knowledge to make a definitive determination. The investigators did find some corroded barrels with remnants of hazardous substances, but I don't have any concrete knowledge about how they got there.

Thanks,
-Lawrence

Lawrence McCormack Corporation Counsel

City of Kokomo
100 S. Union St.
Kokomo, IN 46901
(765) 456-7440
lmccormack@cityofkokomo.org

Confidentiality Notice:

The materials in this electronic mail transmission (including all attachments) are private and confidential and are the property of the sender. The information contained in the material is privileged and is intended only for the use of the named addressee(s). If you are not the intended addressee, be advised that any unauthorized disclosure, copying, distribution or the taking of any action in reliance on the contents of this material is strictly prohibited. If you have received the contents of this electronic mail transmission in error, please immediately notify the sender by telephone at (765) 456-7440 or send an electronic message to lmccormack@cityofkokomo.org, and thereafter, destroy it immediately.

From: Guevara, David [<mailto:DGuevara@taftlaw.com>]

Sent: Tuesday, February 05, 2013 11:04 AM

To: Lawrence McCormack

Subject: Dixon Road Site

Hi Lawrence,

In the conclusions of law, the draft Administrative Settlement Agreement and Order on Consent for Removal Action makes the following statement: "Respondent accepts or accepted hazardous substances for transport to the facility" In follow up to earlier discussions, were municipal trucks to pick up and then dump hazardous substances at the site?

Please advise.

Thanks!

Taft /

David L. Guevara, Ph.D. / Attorney

Taft Stettinius & Hollister LLP

One Indiana Square, Suite 3500

Indianapolis, Indiana 46204-2023

Tel: 317.713.3500 • Fax: 317.713.3699

Direct: 317.713.3453

www.taftlaw.com / DGuevara@taftlaw.com

Internal Revenue Service Circular 230 Disclosure: As provided for in Treasury regulations, advice (if any) relating to federal taxes that is contained in this communication (including attachments) is not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein.

This message may contain information that is attorney-client privileged, attorney work product or otherwise confidential. If you are not an intended recipient, use and disclosure of this message are prohibited. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.